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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,451	12/31/2003	Ross Koningstein	Google-41 (GP-099-00-US)	4989
83,402	7590	06/18/2009	EXAMINER	
Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724			BEKERMANN, MICHAEL	
			ART UNIT	PAPER NUMBER
			3622	
			MAIL DATE	DELIVERY MODE
			06/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ROSS KONINGSTEIN, VALENTIN SPITKOVSKY, GEORGES
K. HARIK, and NOAM SHAZEER

Application No. 10/750,451
Technology Center 3600

Mailed: June 18, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 16, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

PRIOR ORDER FOR RETURN

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on December 1, 2008 wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

The Examiner has not considered the IDS dated March 19, 2008, June 11, 2008, and October 31, 2008 as required in the prior Order returning. Consideration is required.

**EXAMINER’S CONSIDERATION OF REPLY TO SECOND OR
SUBSEQUENT EXAMINER’S ANSWER**

A reply to the Second or Subsequent Examiner’s Answer of December 9, 2008 was filed in this application on February 9, 2009 wherein the Appellant request that the Examiner reopen prosecution. There is no evidence on the record indicating that the Examiner has considered the reply in accordance with 37 C.F.R. § 41.43(a)(1) and MPEP § 1208, part II.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated May 8, 2009. There is no indication on the record that the Examiner has considered the above Information Disclosure Statement. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner’s consideration of the above Information Disclosure Statement is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to consider the Information Disclosure Statements filed March 19, 2008, June 11, 2008 and October 31, 2008;
- 2) to appropriately respond to the Appellant's reply dated February 9, 2009,
- 3) to consider the Information Disclosure Statement filed May 9, 2008;and;
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/nhl

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